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Attorneys for Plaintiff/Counter Defendant
TESLA, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TESLA, INC.,
v.
MARTIN TRIPP,
Plaintiff,
Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**DECLARATION OF MICHAEL T.
LIFRAK IN SUPPORT OF TESLA,
INC.'S OPPOSITION TO MARTIN
TRIPP'S MOTION FOR SUMMARY
JUDGMENT**

AND RELATED COUNTERCLAIMS

1 **I, Michael T. Lifrak, declare as follows:**

2 1. I am a member of the bar of the State of California and a partner at Quinn Emanuel
3 Urquhart & Sullivan, LLP, attorneys for Plaintiff and Counterclaim Defendant Tesla, Inc. I make
4 this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently thereto.

6 2. I submit this declaration in support of Tesla's Opposition to Martin Tripp's Motion
7 for Summary Judgment, (the "Opposition").

8 3. Concurrently filed with the Opposition is an Appendix of Exhibits In Support of
9 Tesla's Opposition (the "Appendix").

10 4. The Opposition and this declaration reference exhibits within the Appendix. All
11 exhibits referenced below are contained in the Appendix. The numbering of these exhibits
12 continues from the Declaration I submitted in support of Tesla's Motion for Summary Judgment,
13 or in the alternative, Summary Adjudication, filed at ECF No. 170.

14 5. Included in the Appendix as **Exhibit 52** is a true and correct copy of excerpts of
15 the confidential deposition transcript of Judy Wu, which has been filed in partially redacted form.

16 6. Included in the Appendix as **Exhibit 53** is a true and correct copy of an instant
17 messenger conversation dated January 26, 2018, between Martin Tripp and Robert Duran,
18 produced by Tesla at TES-TRIPP_0026384-85 and designated confidential, which has been filed
19 conditionally under seal.

20 7. Included in the Appendix as **Exhibit 54** is a true and correct copy of excerpts of
21 the confidential deposition transcript from the certified transcript of Martin Tripp's June 14, 2018
22 interview with Nicolas Gicinto and Jake Nocon, produced at TES-TRIPP_0028450-739 and
23 designated confidential, which has been filed conditionally under seal. The original audio
24 recording of the interview was produced by Tesla at TES-TRIPP_000002.

25 8. Included in the Appendix as **Exhibit 55** is a true and correct copy of an email chain
26 dated June 8, 2018, among Megan Conway, Martin Tripp, and Tyson Hutson produced by Tesla
27 at TES-TRIPP_0021070-72 and designated confidential, which has been filed conditionally under
28 seal.

1 9. Included in the Appendix as **Exhibit 56** is a true and correct copy of an email chain
2 dated May 17, 2018, among Megan Conway, Martin Tripp, and Patrick Shakal produced by Tesla
3 at TES-TRIPP_0027345-46 and designated confidential, which has been filed conditionally under
4 seal.

5 10. Included in the Appendix as **Exhibit 57** is a true and correct copy of excerpts of
6 the confidential deposition transcript of Martin Tripp, which has been filed in partially redacted
7 form.

8 11. Included in the Appendix as **Exhibit 58** is a true and correct copy of excerpts of
9 the confidential deposition transcript of Nicholas Gicinto, which has been filed in partially
10 redacted form.

11 12. Included in the Appendix as **Exhibit 59** is a true and correct copy of excerpts of
12 the confidential deposition transcript of Jacob Nocon.

13 13. Included in the Appendix as **Exhibit 60** is a true and correct copy of an instant
14 messenger conversation dated June 5, 2018, between Martin Tripp and Sam Kapner produced by
15 Tesla at TES-TRIPP_0017328 and designated confidential, which has been filed conditionally
16 under seal.

17 14. Included in the Appendix as **Exhibit 61** is a true and correct copy of excerpts of
18 the confidential deposition transcript of Jeffrey Kinrich.

19 15. Included in the Appendix as **Exhibit 62** is a true and correct copy of Tesla's
20 Amended Response and Objections to Martin Tripp's Interrogatory No. 18, served on May 20,
21 2019, which has been filed conditionally under seal.

22 16. Included in the Appendix as **Exhibit 63** is a true and correct copy of a selection of
23 Tripp's August 2018 tweets, produced by Tesla TES-TRIPP_0000919, TES-TRIPP_0000936,
24 TES-TRIPP_0000949, and TES-TRIPP_0000952, which has been filed in partially redacted form
25 to protect Tesla's confidential information.

26 17. Included in the Appendix as **Exhibit 64** is a true and correct copy of excerpts of
27 the confidential deposition transcript of Bruce Watson, which has been filed conditionally under
28 seal.

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18. Included in the Appendix as **Exhibit 65** is a true and correct copy of a selection of Tripp's February 2020 tweets, which has been filed in partially redacted form to protect Tesla's confidential information.

19. Included in the Appendix as **Exhibit 66** is a true and correct copy of Exhibit 5 to the deposition of Jeffrey Kinrich, produced by Tesla at TES-TRIPP_0001040.

20. Included in the Appendix as **Exhibit 67** is a true and correct copy of Exhibit 6 to the deposition of Jeffrey Kinrich, produced by Tesla at TES-TRIPP_0001021-1040, which has been filed in partially redacted form to protect the personal information of Tesla employees or contractors.

21. Included in the Appendix as **Exhibit 68** is a true and correct copy of Exhibit 7 to the deposition of Jeffrey Kinrich, produced by Tesla at TES-TRIPP_0001041-0001052, which has been filed in partially redacted form to protect the personal information of Tesla employees or contractors.

22. Included in the Appendix as **Exhibit 69** is a true and correct copy of Exhibit 8 to the deposition of Jeffrey Kinrich, produced by Tesla at TES-TRIPP_0001053-00010, which has been filed in partially redacted form to protect the personal information of Tesla employees or contractors.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this document was executed in Los Angeles, California.

DATED: May 5, 2020

By 
Michael T. Lifrak